

MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION

August 28, 2007

9:30 AM

OPEN SESSION

1. CALL TO ORDER - The meeting of the Board of Technical Registration was called to order at 9:31 AM by Chairman Stuart Lane.
2. ROLL CALL - Board Members in Attendance: Sheila Bowen, Karen Cesare, Stuart Lane, Chet Pearson, and Susan Schaefer Kliman. Absent: Dawn Garcia, Richard Pawelko, Robert Roos, and Ronald Starling. Board Staff: Ronald Dalrymple, LaVern Douglas, Kathryn Fuller, Lisa Lawhorn, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Keely Versteegen. Appearing telephonically for Agenda item number 5.B.1 was Christopher Munns of the Office of the Solicitor General.
3. CALL TO THE PUBLIC – No members of the public spoke.
4. ADOPTION OF MINUTES – Ms. Cesare moved to approve the July 24, 2007 and August 22, 2007 minutes. Dr. Schaefer Kliman seconded. Motion Carried.
5. ENFORCEMENT MATTERS
 - A. Proposed Consent Agreements
 - 1.a M05-174 and 1.b M06-293 Raad M. Salih, P.E. (Civil) #34016 – Ms. Bowen moved to accept the Respondent's signed consent agreement encompassing the following Order: Letter of Reprimand; Peer Review of Respondent's next two (2) grading and drainage projects; and Cost of Investigation: Pay cost of investigation in the amount of \$1,215.00. Mr. Pearson seconded. After discussion, Motion Carried.
 2. M07-041 Eric W. Sparkman, P.E. (Civil) #34021– Ms. Bowen moved to accept the Respondent's signed consent agreement encompassing the following Order: Letter of Reprimand; Administrative Penalty: Pay an administrative penalty in the amount of \$2,000.00; and Cost of Investigation: Pay cost of investigation in the amount of \$415.00. Mr. Pearson seconded. After discussion, Motion Carried.

3.a M06-318, 3.b M06-155, and 3.c M06-146 George H. Baker, Architect #11374 – Dr. Schaefer Kliman moved to accept the Respondent's signed consent agreement encompassing the following Order: Suspension: Respondent's Architect Registration No. 11374 shall be suspended from January 1, 2008 through June 30, 2008; Administrative Penalty: Pay an administrative penalty in the amount of \$1,000.00; and Cost of Investigation: Pay cost of investigation in the amount of \$1,600.00. Mr. Pearson seconded. After discussion, Motion Carried.

B. Discussion and Consideration:

(Deem Allegations Admitted and Issue Board Order)

1. M05-396 Crystal F. Pearl, Architect #36012 – Ms. Bowen moved to Deem the Allegations as admitted and issue the following Order: Suspension: Respondent's Architect Registration No. 36012 shall be suspended for six (6) months or until restitution is paid, whichever is longer; Probation: Respondent's Architect Registration No. 36012 shall be placed on probation until Respondent pays restitution of \$6,300.00 to Sunset Air, Inc.; and Cost of Investigation: Pay cost of investigation in the amount of \$1,035.00. Ms. Bowen seconded. After Discussion, Motion Carried.

C. Proposed Enforcement Advisory Committee Candidate

1. David C. DeChant, P.E. (Civil) #26314 – Ms. Cesare moved to accept Mr. DeChant as an Enforcement Advisory Committee Member. Ms. Bowen seconded. After discussion, Motion Carried.

6. HOME INSPECTOR ENFORCEMENT MATTERS

A. Proposed Consent Agreements:

1. M06-095 Jeff Schroeder, CHI # 40183 – Dr. Schaefer Kliman moved to accept Respondent's signed consent agreement encompassing the following Order: Letter of Reprimand; Open Book Test: Respondent shall take and successfully complete an open book test of the Board's Statutes and Rules within 30 days with a passing score of 100%; and Cost of Investigation: Pay cost of investigation in the amount of \$100.00. Ms. Cesare seconded. After discussion, Motion Carried.

2. HI07-049 Gary Meltzer, CHI #42488 – Ms. Cesare moved to accept Respondent's signed consent agreement encompassing the following Order: Letter of Reprimand; Probation: Respondent's Home Inspector Certification No. 42488 shall be placed on probation until Respondent pays restitution of \$300.00 to Troy and Jo Dawn Pehrson; Open Book Test: Respondent shall take and successfully complete an open book test of the Board's Statutes and Rules within 30 days with a passing score of 100%; and Cost of Investigation: Pay cost of investigation in the amount of \$100.00. Ms. Bowen seconded. After discussion, Motion Carried.

3. HI07-086 Mark Formanek, CHI # 40392 – Ms. Bowen moved to accept Respondent's signed consent agreement encompassing the following Order: Letter of Reprimand; Restitution: Respondent shall pay restitution of \$1,000.00 to Aaron and Barbara Carson; and Cost of Investigation: Pay cost of investigation in the amount of \$100.00. Mr. Pearson seconded. After discussion, Motion Carried.
4. HI07-046 Edward Nusso, CHI # 38983 – Dr. Schaefer Kliman moved to accept Respondent's signed consent agreement encompassing the following Order: Letter of Reprimand; Open Book Test: Respondent shall take and successfully complete an open book test of the Board's Statutes and Rules within 30 days with a passing score of 100%; and Cost of Investigation: Pay cost of investigation in the amount of \$100.00. Ms. Cesare seconded. After discussion, Motion Carried.

7. EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

1. Tyson Heskett – Mechanical #070986 – Mr. Pearson moved to allow Mr. Heskett to take the P.E. (Mechanical) examination. Ms. Bowen seconded. After discussion, Motion Carried.
2. Mark Reader – Civil #062016 – Ms. Bowen moved to grant Mr. Reader P.E. (Civil) registration via comity. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.
3. Lawrence Sawicki – Control Systems #070501 – Mr. Pearson moved to allow Mr. Sawicki to take the P.E. (Control Systems) examination. Ms. Bowen seconded. After discussion, Motioned Carried.
4. Kevin Kenworthy – Electrical #071194 – Mr. Pearson moved to grant Mr. Kenworthy P.E. (Electrical) registration via comity. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

8. EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION (LIST AVAILABLE AT BOARD OFFICE)

1. Granting of professional or in training registration
2. Approval to sit for the professional or in training examination
3. Recommendation for denial of professional or in training examination

Mr. Lane moved to accept the committee and staff recommendations listed in items 8.1 through 8.3. Ms. Bowen seconded. Motion Carried.

9. ENVIRONMENTAL RULES AND STANDARDS COMMITTEE ISSUES:

- A. Environmental Rules and Standards Committee recommendation to the Board to modify drug laboratory site remediation firms' annual registration fee and on-site supervisors' and workers' annual certification renewal fee.

Mr. Pearson moved to modify drug laboratory site remediation firms' annual registration fee and on-site supervisors' and workers' annual certification renewal fee to reflect \$20.00 per year for the firm registration and \$42.00 per year for the individual certification (initial certification and renewals). Ms. Bowen seconded. After discussion, Motion Carried.

- B. Environmental Rules and Standards Committee report to the Board to modify the on-site supervisors' 2-hour refresher training course as required in A.A.C. R4-30-271(B)(6).

Mr. Pearson moved to modify the on-site supervisors' 2-hour refresher training course as required in A.A.C. R4-30-271(B)(6) to allow the test to be administered at the Board's office as an open book test. Ms. Bowen seconded. After discussion, Motion Carried.

10. DIRECTOR'S REPORT

Proposed Rule Changes, R4-30-304 Sealing of Letters, Seal Expiration Notice: The proposed rule package should be ready for delivery to the Governor's Regulatory Review Council by the end of next week.

A proposed rule change to require meth lab remediation firms to include in their final report to the Board a cost of remediation figure and a cost of testing figure will be presented to the Board for consideration at the September meeting.

Staff Changes: We are still working with the Department of Administration to fill the four (4) newly authorized positions.

Arizona/Sonora Commission: A meeting of the education committee of the Arizona/Sonora Commission in Tucson was held on July 16, 2007. Dr. Schafer Kliman, Ms. Douglas and Mr. Dalrymple met with the committee and developed a draft of a Memorandum of Understanding ("MOU")

The draft of the MOU has been received and is being reviewed.

IBM Contract: IBM did not get a renewal of their contract with the State for further development of the Common Licensing System. They are trying to finish the Board's on-line application program before their contract ends in September 2007.

The in-training on-line application program has been completed and is ready to go. The Board will let the public know it's available to them.

The professional on-line application program is being developed and should be completed by the end of September 2007.

11. BOARD CHAIR'S REPORT

The Board needs a new secretary as Ms. Lyndes has completed her final term on the Board. Elections are upcoming so please let the Executive Director or the Chair know if you are interested in filling a position.

12. FUTURE BOARD MEETINGS – Tuesday, September 25, 2007 at 9:30 AM.

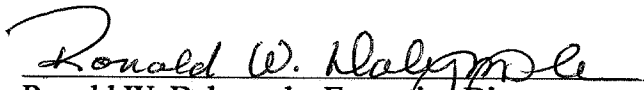
13. FUTURE AGENDA ITEMS

- A. Standing Committee Reports
- B. Board Members' Reports on Outside Activities

14. ADJOURNMENT – Meeting adjourned at 10:28 AM

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION


Stuart Lane, Chairman


Ronald W. Dalrymple, Executive Director